

No. 13023

United States
Court of Appeals
for the Ninth Circuit.

AL FREED, FRED JOHNSEN and RALPH
KUSHNER,

Appellants,

vs.

UNITED STATES OF AMERICA,

Appellee.

SUPPLEMENTAL
Transcript of Record

Appeal from the United States District Court for the
Southern District of California,
Central Division.

FILED

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS

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453 S. Spring St.,
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For Appellant Ralph Kushner:

LOW & STONE,
747 S. Hill St.,
Los Angeles 14, Calif.

For Appellee :

ERNEST A. TOLIN,
United States Attorney,

RAY H. KINNISON,
NORMAN W. NEUKOM,
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Assistants U. S. Attorney,
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Los Angeles 12, Calif.

In the United States District Court in and for
the Southern District of California, Central
Division

No. 21377 CD

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RALPH KUSHNER, BEN GREENBLATT, AL-
BERT FREED, FRED JOHNSON, BER-
NARD SCHOENFELD, FRANK METH,
SAM JOSIPOVIE, M. KUSHNER, ELMER
ALTERMAN, SID ULANSKY, RUBIN PRE-
MAZON, HERMAN M. PEARL, JOSEPH
ROSENBERG, PHILIP M. BOROCK, and
BEN WARREN, aka BEN J. WARREN,

Defendants.

INDICTMENT

U.S.C. Title 18, Sec. 88, (1946 Ed.); U.S.C. Title
12, Sec. 1731 (a) (9 F. R. 7253 et seq., 12 F. R.
4369 et seq.—Conspiracy to Commit Offenses
Against the United States; Conspiracy to De-
fraud the United States; Conspiracy to Make,
Pass, Utter, and Publish False Statements
re F.H.A. Title I Loan Applications.

The grand jury charges:

* * *

Count Three

(1731 (a), Title 12 U.S.C.)

On or about April 5, 1947, in Los Angeles County, California, within the Central Division of the Southern District of California, the defendants Ben Greenblatt, Albert Freed, Ralph Kushner, Fred Johnsen, Elmer Alterman, and Bernard Schoenfeld, for the purpose of obtaining a loan and an advance of credit from a corporation, namely, the Bank of America National Trust and Savings Association, with the intent that such loan and advance of credit should be offered to and accepted by the Federal Housing Administration for insurance, under the provisions of Title I of the National Housing Act, Title 12 of the United States Code Supplement, Section 1703 as amended, and regulations of the Federal Housing Commissioner governing property improvement loans issued thereunder, (9 F. R. 7253 et seq., as amended), did make, pass, utter, and publish, and did cause to be made, passed, uttered and published, a statement, knowing the same to be false in that the defendants did prepare and present and did cause to be prepared and did cause to be presented, to the Bank of America National Trust and Savings Association, a written Federal Housing Administration Title I Credit application for a property improvement loan containing the signatures of William J. Bradford and Dorothy W. Bradford, as borrowers, said application applying for and requesting credit in the amount of \$2,000.00, and said application stating and representing that

said credit was to be used for the purchase of materials for additions and improvements to a dwelling house located at 13204 Louvre, Pacoima, California, the defendants then knowing that the said statement was false in that the defendants then knew that the loan and credit so applied for was not be used for the purchase of materials for additions and improvements to a dwelling house at the aforesaid address nor for additions and improvements to any dwelling house, but was to be used for the purchase of materials for the construction of a new dwelling house.

* * *

Count Nineteen

[U.S.C., Title 12, Sec. 1731 (a)]

On or about July 17, 1947, in Los Angeles County, California, within the Central Division of the Southern District of California, the defendants Ben Greenblatt, Albert Freed, Ralph Kushner, Fred Johnsen, Elmer Alterman, and Bernard Schoenfeld, for the purpose of obtaining a loan and an advance of credit from a corporation, namely, the Bank of America National Trust and Savings Association, with the intent that such loan and advance of credit should be offered to and accepted by the Federal Housing Administration for insurance, under the provisions of Title I of the National Housing Act, Title 12 of the United States Code Supplement, Section 1703 as amended, and regulations of the Federal Housing Commissioner governing property improvement loans issued thereunder (12 F. R.

4369, et seq., as amended), did make, pass, utter, and publish, and did cause to be made, passed, uttered, and published, a statement, knowing the same to be false in that the defendants did prepare and present and did cause to be prepared and did cause to be presented, to the Bank of America National Trust and Savings Association, a written Federal Housing Administration Title Credit Application for a property improvement loan, containing the signatures of Burton T. Howard and Lillian M. Howard, as borrowers, said application applying for and requesting credit in the amount of \$1,750.00, and said application stating and representing that said credit was to be used for the purchase of materials for additions and improvements to a dwelling house located at 10048 Cayuga, Pacoima, California, the defendants then knowing that the said statement was false in that the defendants then knew that the loan and credit so applied for was not to be used for the purchase of materials for additions and improvements to a dwelling house at the afore-said address, nor for additions and improvements to any dwelling house, but was to be used for the purchase of materials for the construction of a new dwelling house.

* * *

Count Twenty-Three

(Title 12, U.S.C., Sec. 1731 (a))

On or about June 30, 1947, in Los Angeles County, California, within the Central Division of the Southern District of California, the defendants

Ben Greenblatt, Albert Freed, Ralph Kushner, Fred Johnsen, Ben Warren, Bernard Schoenfeld and Frank Meth, for the purpose of obtaining a loan and an advance of credit from a corporation, namely, the Bank of America National Trust and Savings Association, with the intent that such loan and advance of credit should be offered to and accepted by the Federal Housing Administration for insurance, under the provisions of Title I of the National Housing Act, Title 12, of the United States Code Supplement, Section 1703 as amended, and regulations of the Federal Housing Commissioner governing property improvement loans issued thereunder (9 F. R. 7253 et seq., as amended), did make, pass, utter, and publish, and did cause to be made, passed, uttered and published, a statement knowing the same to be false in that the defendants did prepare and present and did cause to be prepared and did cause to be presented, to the Bank of America National Trust and Savings Association, a written Federal Housing Administration Title I Credit Application for a property improvement loan containing the signatures of Fred A. Clayton and Alta M. Clayton, as borrowers, said application applying for and requesting credit in the amount of \$2,000.00, and said application stating and representing that said credit was to be used for the purchase of materials for additions and improvements to a dwelling house located at 1904 Rindge Lane, Redondo Beach, California, the defendants then knowing that the said statement was false in

that the defendants then knew that the loan and credit so applied for was not to be used for the purchase of materials for additions and improvements to a dwelling house at the aforesaid address nor for additions and improvements to any dwelling house, but was to be used for the purchase of materials for the construction of a new dwelling house.

* * *

Count Thirty

(Title 12, U.S.C., Sec. 1731 (a))

On or about July 21, 1947, in Los Angeles County, California, within the Central Division of the Southern District of California, the defendants Ben Greenblatt, Albert Freed, Ralph Kushner, Fred Johnsen, Bernard Schoenfeld, Philip M. Borock for the purpose of obtaining a loan and an advance of credit from a corporation, namely, the Bank of America National Trust and Savings Association, with the intent that such loan and advance of credit should be offered to and accepted by the Federal Housing Administration for insurance, under the provisions of Title I of the National Housing Act, Title 12 of the United States Code Supplement, Section 1703 as amended, and regulations of the Federal Housing Commissioner governing property improvement loans issued thereunder (12 F. R. 4369 et seq., as amended), did make, pass, utter, and publish, and did cause to be made, passed, uttered and published, a statement, knowing the same to be false in that the defendants did prepare and present and did cause to be prepared and did

cause to be presented, to the Bank of America National Trust and Savings Association, a written Federal Housing Administration Title I Credit Application for a property improvement loan containing the signatures of Harvey L. Coleman, Minnie I. Coleman as borrowers, said application applying for and requesting credit in the amount of \$2,500.00, and said application stating and representing that said credit was to be used for the purchase of materials for additions and improvements to a dwelling house located at Corner of Almaria and Highland, Fontana, California, the defendants then knowing that the said statement was false in that the defendants then knew that the loan and credit so applied for was not to be used for the purchase of materials for additions and improvements to a dwelling house at the aforesaid address nor for additions and improvements to any dwelling house, but was to be used for the purchase of materials for the construction of a new dwelling house.

* * *

Count Thirty-Nine

(Title 12 U.S.C., Sec. 1731 (a))

On or about March 21, 1950, in Los Angeles County, California, within the Central Division of the Southern District of California, the defendants Ben Greenblatt, Albert Freed, Ralph Kushner, Fred Johnsen, Bernard Schoenfeld, and Ben Warren, for the purpose of obtaining a loan and an advance of credit from a corporation, namely, the Bank of

America National Trust and Savings Association, with the intent that such loan and advance of credit should be offered to and accepted by the Federal Housing Administration for insurance, under the provisions of Title I of the National Housing Act, Title 12 of the United States Code Supplement, Section 1703 as amended, and regulations of the Federal Housing Commissioner governing property improvement loans issued thereunder (9 F. R. 7253 et seq., as amended), did make, pass, utter, and publish, and did cause to be made, passed, uttered, and published, a statement, knowing the same to be false in that the defendants did prepare and present and did cause to be prepared and did cause to be presented, to the Bank of America National Trust and Savings Association, a written Federal Housing Administration Title I Credit Application for a property improvement loan containing the signature of John E. Bradford, as borrower, said application applying for and requesting credit in the amount of \$2,500.00, and said application stating and representing that said credit was to be used for the purchase of materials for additions and improvements to a dwelling house located at 2409 Voorhees Avenue, Redondo Beach, California, the defendants then knowing that the said statement was false in that the defendants then knew that the loan and credit so applied for was not to be used for the purchase of materials for additions and improvements to a dwelling house at the afore-said address nor for additions and improvements to any dwelling house, but was to be used for the

purchase of materials for the construction of a new dwelling house.

* * *

A True Bill,

/s/ D. C. BAILEY,
Foreman.

/s/ ERNEST A. TOLIN,
United States Attorney.

[Endorsed]: Filed June 28, 1950.

[Title of District Court and Cause.]

NOTICE TO DISMISS AND QUASH

Comes now the above-named defendant, Fred Johnsen, and moves the above-entitled court to dismiss and quash the Indictment herein; to wit, Counts One through Forty-One, both inclusive, upon the following grounds:

(a) That said Indictment on its face does not set forth sufficient facts to constitute an Indictment as contemplated by law;

(b) That Counts Two, Three, Four, Six, Seven, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Sixteen, Twenty, Twenty-one, Thirty-five, Thirty-six, Thirty-nine, and Forty upon the ground that each and all of said Counts are barred by the Statute of Limitations and particularly Title 18, United States Code—Crimes and Criminal Procedure, Section 3282.

That this motion will be based upon said Indictment, said Code Section, upon Notice of Motion and the within Motion, and upon the Affidavits of Fred Johnsen and upon the Points and Authorities filed by the Defendant Albert Freed by and through his Attorney, Eugene L. Wolver, the copy of which is referred to herein and made a part hereof by reference as though set forth herein and adopted as Points and Authorities, together with such other documents, affidavits, points and authorities as may be presented at the date of the hearing of said motion.

Dated this 28th day of August, 1950.

BURKE MATHES, and

H. F. POYET,

By /s/ BURKE MATHES,

By /s/ H. F. POYET,

Attorneys for the above-named Defendant Fred Johnsen.

Receipt of copy acknowledged.

[Endorsed]: Filed August 28, 1950.

[Title of District Court and Cause.]

MOTION TO DISMISS AND QUASH

Come now the above-named defendants, Ralph Kushner, Ben Warren, M. Kushner, Elmer Alterman and Rubin Premazon, and move the above-entitled court to dismiss and quash the following counts of the Indictment herein, to wit: Counts Two, Three, Four, Six, Seven, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Sixteen, Twenty, Twenty-one, Twenty-two, Twenty-five, Twenty-six, Twenty-seven, Thirty-one, Thirty-five, Thirty-six, Thirty-nine and Forty, upon the ground that each and all of said counts are barred by the Statute of Limitations and particularly Title 18, United States Code—Crimes and Criminal Procedure, Section 3282.

Further, said defendants move to dismiss Counts One through Forty-One upon the further ground that none of said counts states a cause of action in the nature of a crime or any cause of action.

That this motion will be based upon said indictment, applicable code sections and upon Points and Authorities filed herein.

Dated August 28, 1950.

LOW & STONE,

By /s/ JOSEPH STONE.

Affidavit of Service by Mail attached.

[Endorsed]: Filed September 6, 1950.

At a stated term, to wit: The September Term. A.D. 1950, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles, on Monday the 25th day of September, in the year of our Lord, one thousand nine hundred and fifty.

Present: The Honorable Leon R. Yankwich,
District Judge.

[Title of Cause.]

MINUTE ORDER SEPTEMBER 25, 1950

For (1) ruling on (A) motions of Def't Rosenberg, filed July 7, 1950, and Aug. 9, 1950, to dismiss and quash counts 15 and 36; (B) motions of Def't Young, filed July 7, 1950, and Aug. 9, 1950, to dismiss and quash counts 15, 28, 29, 33, 38; (C) motions of Defendants Greenblatt, Freed, and Schoenfeld, filed July 7, 1950, and Aug. 9, 1950, to dismiss and quash counts 2, 3, 4, 6, 7, 9, 10 to 14 incl., 16, 20, 21, 22, 25, 26, 27, 31, 35, 36, 39, 40; (D) motion of Def't Johnsen, filed Aug. 28, 1950, to dismiss and quash all counts; (E) motion of Def't Boroeh, filed Aug. 28, 1950, to dismiss and quash count 31; (F) motion of Defendants R. Kushner, Warren, M. Kushner, Alterman, and Premazon, filed Sept. 6, 1950, to dismiss and quash all counts; (2) argument on (A) motion of Fred Johnsen, filed Aug. 28, 1950, for Bill of Particulars; (B) motion of Al Freed, filed Aug. 28, 1950, for

Bill of Particulars; and (3) fixing time for pleas;

Leonard Low, Esq., appearing as counsel for Defendants Ralph Kushner, M. Kushner, Elmer Alterman, Rubin Premazon, and Ben J. Warren;

Harold Judson, Esq., appearing as counsel for defendant Ben Greenblatt; Eugene L. Wolver, Esq., appearing as counsel for defendants Al Freed, Bernard Schoenfeld (for whom Sorrell Troppe, Esq. is also appearing); Samuel J. Young, and Josef Rosenberg; H. F. Poyet, Esq., appearing as counsel for defendant Fred Johnsen; Jos. Friedman, Esq., appearing as counsel for defendants Sid Ulansky and Philip N. Borock; Edward Stanton, Esq., appearing as counsel for defendant Herman M. Pearl; All of the said defendants are on bond and not present;

Attorneys Wolver and Poyet argue to the Court re Bill of Particulars, and R. M. Steele, Ass't U. S. Att'y, appearing as counsel for Gov't, makes a statement re Gov't's position. Court orders motions for Bill of Particulars denied.

The Court states that the Statute of Limitations has not run against any of the counts of the Indictment and makes a statement of the reasons, and orders that each of the motions to dismiss is denied.

On motion of Attorney Judson it is ordered that the cause is continued to Oct. 30, 1950, 10 a.m., for pleas of all defendants.

District Court of the United States for the Southern
District of California, Central Division

No. 21,377 Criminal

41 Count Indictment—12 U.S.C. 1731 (a)

UNITED STATES OF AMERICA,

vs.

RALPH KUSHNER.

JUDGMENT AND COMMITMENT

On this 4th day of June, 1951, came the attorney for the government and the defendant appeared in person and by counsel, Joseph Stone, Esq.,

It Is Adjudged that the defendant has been convicted upon his plea of Nolo Contendere to each of counts 2, 3, 4 of the offenses of (ct. 2) that on or about Feb. 6, 1947, in Los Angeles County, Calif., defendant did prepare and present a credit application to the Bank of America N. T. & S. A., with intent such loan be insured by the Fed. Housing Adm., representing said credit was for purchase of materials for additions to a dwelling house, defendant then knowing said statement was false in that the loan was to be used for purchase of materials for construction of a new dwelling house; (cts. 3 and 4 charge violations similar to count 2 occurring April 5, and Jan. 27, 1947, respectively as charged in said Indictment, and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to

the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of six months in an institution of the jail type on Count 2, and pay unto the United States of America a fine of \$1,000.00, on count 3, and a fine of \$1,000.00, on count 4, (making a total of \$2,000.00 in fines); and stand committed to an institution of the jail type until said fines are paid or he is discharged therefrom by due process of law.

It Is Further Ordered that execution of said sentence on each count is stayed until 5 p.m., June 20, 1951.

It Is Further Ordered that each of Counts 1, and 5 to 41 inclusive, is hereby dismissed as to defendant Ralph Kushner.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ LEON R. YANKWICH,

United States District Judge.

[Endorsed]: Filed June 4, 1951.

District Court of the United States for the Southern
District of California, Central Division

No. 21,377 Criminal

41 Count Indictment—12 U.S.C. 1731 (a)

UNITED STATES OF AMERICA,

vs.

FRED JOHNSEN.

JUDGMENT AND COMMITMENT

On this 4th day of June, 1951, came the attorney for the government and the defendant appeared in person and by counsel, Harold Judson, Burke Mathes, and H. F. Poyet, Esqs.,

It Is Adjudged that the defendant has been convicted upon his plea of not guilty, and a finding of guilty as to each of counts 2, 4, 19, 23, 30 and 39, of the offenses of (ct. 2), that on or about Feb. 6, 1947, in the Los Angeles County, Calif., defendant did prepare and present a credit application to the Bank of America N.T. & S.A., with intent such loan be insured by the Fed. Housing Adm., representing said credit was for purchase of materials for additions to a dwelling house, defendant then knowing said statement was false in that the loan was to be used for purchase of materials for construction of a new dwelling house; (cts. 4, 19, 23, 30 and 39 charge violations similar to count 2), as charged in said Indictment, and the court having asked the defendant whether he has anything to say why judgment should not be pronounced,

and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of six months in an institution of the jail type on Count 2, and pay unto the United States of America a fine of \$1,000.00 on Count 4, a fine of \$1,000.00 on Count 19, a fine of \$1,000.00 on Count 23, a fine of \$1,000.00 on Count 30, and a fine of \$1,000.00 on Count 39; said sentences on Counts 23, 30 and 39 to run concurrently with sentences on Counts 4 and 19, so that the total fine to be paid is \$2,000.00, and the Clerk is authorized to accept \$2,000.00 in full satisfaction of said fines; and defendant shall stand committed to an institution of the jail type until said fines are paid or he is discharged therefrom by due process of law.

It Is Further Ordered that execution of sentence on each count is stayed until 5 p.m., June 20, 1951.

(Note: On May 1, 1951, the Court granted motion of defendant for judgment of acquittal as to counts 1, 3, 5, 8, 9, 10, 11-18 inc., 20, 21, 22, 24-29 inc., 31-38 inc., 40 and 41. On May 4, 1951, the Court found defendant Not Guilty as charged in Counts 6 and 7.)

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and

that the copy serve as the commitment of the defendant.

/s/ LEON R. YANKWICH,
United States District Judge.

[Endorsed]: Filed June 4, 1951.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Comes now defendant, Ralph Kushner, and files this Notice of Appeal as provided by law.

1. This case is entitled United States of America, Plaintiff, vs. Ralph Kushner, et al., Defendants.

2. Appellant's name is Ralph Kushner and his address is 607 South Dunsmuir, Los Angeles, California.

3. Appliant's attorneys are Low and Stone whose address is 747 South Hill Street, Suite 301, Los Angeles 14, California.

4. Defendant and others were charged with making certain alleged false statements allegedly to obtain credit and otherwise defraud the United States in regard to the operation of the National Housing Act.

5. Defendant pleaded nola contendere to three counts being counts Two, Three and Four of the Indictment and a judgment of conviction was

entered thereon and defendant was sentenced to pay a fine of Two Thousand Dollars (\$2,000.00) and to serve six (6) months in jail. Execution of the sentence was stayed until June 20, 1951, and in accordance with the applicable provisions of the United States Code of Criminal Procedure, defendant elects not to commence serving the sentence unless required to do so by the determination of this appeal. Appellant further requests that the payment of the fine be stayed.

6. Appellant appeals from the judgment of conviction.

Dated June 13, 1951.

LOW & STONE,

By /s/ LEONARD LOW.

[Endorsed]: Filed June 13, 1951.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Name and address of Appellant: Fred Johnsen,
3710 Hauser, Los Angeles, Calif.

Name and address of Appellant's Attorneys:
Harold F. Judson, 530 West 6th St., Los
Angeles, Cal.; Henry F. Poyet, 2815 Alle-
sandro, Los Angeles, Cal.; Burke Mathes, 453
South Spring St., Los Angeles, Cal.

Offense: Causing false claims to be made to a loaning institution for the purpose of causing the F.H.A. to insure loans.

The defendant was sentenced to serve 6 months in jail on Count No. 2; to pay a fine of \$1,000.00 on Count 4; to pay a fine of \$1,000.00 on Count 19; to pay a fine of \$1,000.00 on Count 23; to pay a fine of \$1,000.00 on Count 30; and to pay a fine of \$1,000.00 on Count 39. The fine assessed on Counts 23, 30, and 39 are to run concurrently with the fines assessed on Counts 4 and 19. The fines to stand committed.

The defendant is now on bail.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the above-named judgment.

HAROLD JUDSON,

HENRY F. POYET,

BURKE MATHES,

By /s/ BURKE MATHES,

Appellant's Attorneys.

Affidavit of Service by Mail attached.

[Endorsed]: Filed June 14, 1951.

[Title of District Court and Cause.]

CERTIFICATE OF CLERK

I, Edmund L. Smith, Clerk of the United States District Court for the Southern District of California, do hereby certify that the foregoing pages numbered from 1 to 136, inclusive, contain the original Indictment; Notice of Motion, Motion to Dismiss and Quash and Points and Authorities of Al Freed et al.; Notice to Dismiss and Quash of Fred Johnsen; Affidavit of Fred Johnsen in Support of Motion to Dismiss and Quash; Motion to Dismiss and Quash and Points and Authorities of Ralph Kushner et al.; Supplement to Brief of Law; Motion for Bill of Particulars; Judgments and Commitments as to Al Freed, Fred Johnsen and Ralph Kushner; Notices of Appeal of Al Freed, Fred Johnsen and Ralph Kushner and Designation of Record on Appeal and a full, true and correct copy of minute orders entered September 25, 1950, October 30, 1950, and April 24, 1951, which, together with copy of reporter's transcript of proceedings on April 11, 1950 (partial), and April 24, 1951 (partial), transmitted herewith, constitute the record on appeal to the United States Court of Appeals for the Ninth Circuit.

I further certify that my fees for preparing and certifying the foregoing record amount to \$4.80 which sum has been paid to me by appellants.

Witness my hand and the seal of said District Court this 20th day of July, A.D., 1951.

[Seal] EDMUND L. SMITH,
 Clerk.

By /s/ THEODORE HOCKE,
 Chief Deputy.

[Endorsed]: No. 13023. United States Court of Appeals for the Ninth Circuit. Al Freed, Fred Johnsen and Ralph Kushner, Appellants, vs. United States of America, Appellee. Transcript of Record. Appeal from the United States District Court, for the Southern District of California, Central Division.

Filed July 23, 1951.

 /s/ PAUL P. O'BRIEN,
Clerk of the United States Court of Appeals for
the Ninth Circuit.